

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MENTAL HYGIENE LEGAL SERVICE,

Plaintiff,

and SHAWN S.,

Intervening Plaintiff,

-v.-

SUMMONS IN A CIVIL ACTION

Docket No. 07-CV-2935 (GEL)

ELIOT SPITZER, in his official capacity as Governor of the State of New York, ANDREW CUOMO, in his official capacity as Attorney General of the State of New York, MICHAEL HOGAN, in his official capacity as Commissioner of the New York State Office of Mental Health, DIANA JONES RITTER, in her official capacity as Commissioner of the New York State Office of Mental Retardation and Developmental Disabilities, and BRIAN FISCHER, in his official capacity as Commissioner of the New York State Department of Correctional Services,

Defendants.

TO: Eliot Spitzer, Governor
State Capitol
Albany, New York 12224

Andrew Cuomo
Attorney General of the State of New York
Department of Law
The Capitol
Albany, New York 12224

Michael Hogan, Commissioner
New York State Office of Mental Health
44 Holland Avenue
Albany, New York 12229

Diana Jones Ritter, Commissioner
New York State Office of Mental Retardation and
Developmental Disabilities
44 Holland Avenue
Albany, New York 12229

Brian Fischer, Commissioner
New York State Department of Correctional Services
Building 2
1220 Washington Avenue
Albany, New York 12226-2050

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY

Sheila E. Shea, Esq., Director
Mental Hygiene Legal Service, Third Judicial Department
By: Hollie S. Levine, Associate Attorney, of counsel
44 Hawley Street - 16th Floor
Binghamton, New York 13901

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

SEP 28 2007

CLERK

DATE


(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 5, 2007
NAME OF SERVER (PRINT) Sheila E. Shea	TITLE Director, Mental Hygiene Legal Service, 3rd Judicial Department
Check one box below to indicate appropriate method of service	
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: Carol Constanza, Principal Clerk New York State Attorney General's Office <input type="checkbox"/> Returned unexecuted: Carol Constanza <input checked="" type="checkbox"/> Received Service of process on behalf of defendants Other (specify): Eliot Spitzer, Andrew Cuomo, Michael Hogan, Diana Jones Ritter, and Brian Fischer upon consent of counsel for the defendants, Assistant Attorney General Edward Curtis	
STATE OF SERVICE FEES	
TRAVEL	SERVICES
	TOTAL \$0.00
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on <u>October 12, 2007</u> <u>Sheila E. Shea</u> Date Signature of Server <u>Director, Mental Hygiene</u> Address of Server Legal Service 40 Steuben Street, Suite 501 Albany, New York 12207	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure